

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6129**

**BILL NUMBER:** SB 33

**DATE PREPARED:** Apr 12, 2001

**BILL AMENDED:** Apr, 11, 2001

**SUBJECT:** Various Education Safety Issues.

**FISCAL ANALYST:** David Hoppmann

**PHONE NUMBER:** 232-9559

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) (1) *Compensation for Leave*- It provides that a teacher who is assaulted while performing the teacher's duties must receive full compensation for any resulting leave that is required by the teacher and that the compensation does not count against the teacher's sick leave or vacation leave benefits.

(2) *Intimidation and Parental Declaration of Responsibility*- It requires the reporting of a threat or intimidation of a school employee. It requires the Department to establish and seek the adoption as a local school policy of a parental declaration of responsibilities concerning the education of the parent's child.

(3) *Actionable Offense*- It establishes a specific actionable offense for communicating a threat by using school or other governmental property, including electronic equipment or systems.

(4) *Principal Notification of Adjudication*- It provides for the release of records to a superintendent of the school where a student is enrolled when: (1) a court adjudicates a child to be a delinquent child or convicts the child of a criminal offense; or (2) the child is a threat to themselves or others.

(5) *Declared Emergency*- It provides contingency leave with pay for a teacher who lives in a county in which an emergency is declared.

(6) *Claims Paid*- It requires a school corporation to pay a judgement, compromise, or settlement of a claim against an employee acting within the scope of the employee's employment.

(7) *Intimidation*- It amends the crime of intimidation to make it a Class A misdemeanor for a person to communicate a threat to another person with the intent of causing a structure or vehicle to be evacuated.

(8) *Limited Criminal History Check*- It requires a school corporation to obtain a limited criminal check of

applicants for employment and certain other persons under contract to provide services to children.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** (Revised) **(Provision 2)** The Department could experience a minimal increase in administrative expenses associated with these provisions of the bill.

**(Provision 3)** A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**(Provision 8)** The State Police would experience an increase in administrative expenses regarding the processing of additional limited criminal histories. Under current Indiana law, school corporations are not required to request limited criminal histories of certificated and noncertificated employees. (They would be required to do so in accordance with this bill.)

Annual expenses could range from \$55,660 to \$333,959 depending upon the number of additional data process operators and fingerprint classifiers hired by the State Police. (This range is based on two to twelve additional clerical positions including benefits.) The exact number of additional staff is currently indeterminable and would depend upon the number of limited criminal history checks requested by school corporations.

The funds and resources required above could be supplied through a variety of sources, including the following: 1) existing staff and resources not currently being used to capacity; 2) existing staff and resources currently being used in another program; 3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; 4) funds that, otherwise, would be reverted; or 5) new appropriations.

There are 51 authorized clerical positions within the State Police's Central Records Division of which eight are currently vacant (November 2000 staffing table). Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Funding for the State Police originates from the state General Fund and the Motor Vehicle Highway Fund.

### **Background**

*Limited Criminal Histories-* Typically, a school corporation requests a limited criminal history when it is in the process of hiring a previously certificated employee who has had a significant break in employment. It is not the general policy of a school corporation to request limited criminal histories of newly licensed individuals since criminal background histories are conducted as part of the certification process via the Professional Standards Board.

The State Police reports that the exact number of limited criminal histories conducted at the request of school corporations is currently indeterminable. (There are currently 294 school corporations in the State of Indiana.)

**Explanation of State Revenues:** (Revised) **(Provision 7)** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**(Provision 3)** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** (Revised) **(Provision 7)** A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**(Provisions 1 and 2)** School corporations would experience an indeterminable increase in administrative expenditures regarding these two provisions. The specific effects would vary between school corporations and would depend upon the number of teachers assaulted, the number of days in leave that such a teacher would need to take, and the size of school corporations opting to adopt the Department's parental declaration of responsibility.

**(Provision 3)** If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**(Provision 4)** This provision could result in a minimal increase in administrative expenses for school corporations regarding the dissemination of delinquency adjudication and conviction information made available by trial courts and information made available by local law enforcement agencies regarding children who are a danger to themselves. The specific effects are currently indeterminable, would vary between school corporations, and would depend upon the number of school requests for "statement of fact" information.

*Trial Courts-* This provision of the bill would result in a minimal increase in administrative expenses for trial courts concerning notification requirements of public and nonpublic superintendents. In addition, counties could experience similar increases regarding the reporting of delinquency adjudication and conviction information to schools upon request. The specific effects are currently indeterminable, would vary between counties, and would depend upon the number of school requests for "statement of fact" information.

In CY 1999, 26,643 juvenile delinquency cases were filed in Indiana courts of record.

*Law Enforcement Agencies-* Local law enforcement agencies would incur a minimal increase in administrative expenses regarding the notification of public and nonpublic superintendents of children who may be a potential hazard to themselves or to others. The specific effects are currently indeterminable, and would vary between law enforcement agencies.

There are currently 448 city and town police departments and 92 county sheriff departments in the State of

Indiana.

**(Provisions 5 and 6)** These provisions could result in an increase in administrative expenses for school corporations regarding contingency leave and judgement, compromise, and settlement claims paid. The specific effects are currently indeterminable and would vary between school corporations.

**Explanation of Local Revenues:** (Revised) **(Provision 7)** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**(Provision 3)** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Education; Department of Correction.

**Local Agencies Affected:** Trial Courts; Law Enforcement Agencies; School Corporations; Trial Courts; Local Law Enforcement Agencies

**Information Sources:** DOE ORACLE Data Tables; 1999 Indiana Judicial Report; Indiana Sheriffs Association; Department of Correction.